

DAVID COOPER  
PLAINTIFF,

v.

RECEIVED

Case No. 2:06-cv-H18-MHT

2007 JAN 22 A 10:00

DR. NICHOLS, et al,  
DEFENDENTS

JUDITH P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

MOTION FOR AN INDEPENDENT REVIEW BY THE UNITED STATES DISTRICT JUDGE MYRON H. THOMPSON

Comes now, the Plaintiff, pro se, in the above style manner, Pursuant to F.R.Cv-p. motion for an independent review by the United States District Judge Myron H. Thompson. Plaintiff states that he filed previously on Dec 20, 06, a motion for an independent review by a United States District Judge, as to which magistrate judge Terry Moore, responded on Order on motion dated 1-8-07, who truly at that time didn't have any legal jurisdiction to respond in place of a United States District Judge, clearly attempting to cover-up the violation of Plaintiff's Seventh Amendment Right by magistrate judge Delores R. Boyd, on order on motion dated 9-27-06, clearly Judge Boyd, denied Plaintiff, the right to trial by jury. please review records. Further magistrate judge Terry F. Moore, also denied Plaintiff, Right by jury trial, including the denial of a motion for status, which was granted on order on motion twice on 9-27-06, and once again on order on motion dated 11-6-06, still granted pending a determination be made based on Plaintiff, Complaint, Defendants written report, and Plaintiff, opposition, the above case number. Plaintiff states

that it has been approximately 4 months without a Decision being made and it appears magistrate judge Boyd, has retired without any determination being made. Plaintiff, further states that this honorable judge reviewed Plaintiff, opposition including all exhibits, medical records, and he will clearly see Plaintiff, needs his third heart Surgery and a prostate surgery as to which he have prostate Hypertrophy Cancer as medical records will indicated. Plaintiff, states he is blowing blood out of his nose which is believe to be from his prostate cancer. Plaintiff, further states that judge Boyd, legally gave the defendant a license to continue to abuse plaintiff, and his constitutional rights. please see the order on motion date 6-16-06, second Paragraph line 4, Complaining about matters which has occurred daily, weekly, and or monthly, the Plaintiff, has suffer greatly because of that statement. Again on order on motion date 11-6-06, third Paragraph line one daily, weekly, or monthly, and as of this dated she has retired why plaintiff, is still waiting on justice. Plaintiff, further filed a lawsuit against judge Boyd, as to which magistrate judge moorer, is continuing to attempt to dismiss this action as if Plaintiff, doesn't have any legal rights at all, plaintiff, request in addition for magistrate judge Terry F. moorer, be remove from any action plaintiff, has, because judge moorer, has abuse it's judicial power, as magistrate judge, playing United States District Judge, clearly knowing judge moorer was wrong to act as United States District Judge clearly responding to a motion filed not addressed to judge moorer.

Date 1-18-07

Dain Cooper 7743

## CERTIFICATE OF SERVICE

I, Plaintiff, has forward a copy to the clerk of the Court, and defense attorney one copy of motion for to file, motion for an independent review by the United States District Judge Myron H. Thompson Certificate of Service, by placing them in the U.S. mail this 18<sup>th</sup> day of January 2007.

→ Dan Gump 7743  
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